IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 1ST DECEMBER 2006 / 10TH AGRAHAYANA 1928

WP(C).No. 31434 of 2006(P)

PETITIONER:

PETER KUMBANKUZHACKAL CHACKO @ K.C.PETER
AGED 62 YEARS, S/O.LATE K.P.CHACKO,
MUPPRAPALLIL, ST.BENEDICT ROAD,
KOCHI-18.

BY ADV. SRI.C.C.THOMAS

RESPONDENTS:

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1. THE REGIONAL PASSPORT OFFICER,
PASSPORT OFFICE BUILDING,
PANAMPILLY NAGAR, COCHIN.

2. UNION OF INDIA,
REP. BY SECRETARY (EXTERNAL AFFAIRS),
NEW DELHI.

ADDL.3. STATE OF KERALA, REPRESENTED BY THE DISTRICT SUPERINTENDENT OF POLICE (SPECIAL BRANCH), ERNAKULAM.

ADDL. R3 IS IMPLEADED AS PER ORDER ON I.A.16713 OF 2006 DATED 1.12.2006

R1 AND R2 BY ASST. S.G. SRI. JOHN VARGHESE
R3 BY G.P. SRI.I.V. PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR,J.

W.P.C.NO. 31434 OF 2006

Dated this the 1st day of December, 2006

JUDGMENT

Heard counsel for the petitioner, Government Pleader and Sri. John Varghese, Asst. Solicitor General for the passport officer. Even though Government Pleader submitted that he is yet to get instructions, having regard to the contentions raised and submissions made by the Asst. Solicitor General, I feel W.P. can be disposed of without waiting for the instructions from the State Government. Petitioner's case is that even though crime was registered ten years back in 1996, so far no final report is filed before the Court. According to Section 10(3)(e) of the Passport Act, passport could be withheld only in respect of a case pending before Court. Asst. Solicitor General submitted that there is provision under Section 7 to issue temporary Passport. Petitioner's case is that no final report is filed even after 10 years of registration of the crime and on the other hand his information is that police has recommended reference of the case. In the circumstances, and in view of the urgency expressed by the petitioner to go abroad to visit his

children, there will be direction to the additional third respondent to verify whether final report is filed or not and if no final report is filed, he will inform the same to the first respondent within two weeks from the date of production of a copy of this judgment by the petitioner for the first respondent to issue passport to the petitioner for a limited period of one year.

W.P. is disposed of as above.

(C.N.RAMACHANDRAN NAIR)
Judge